

REGULAR MEETING MINUTES

March 12, 2019 at 6:30 pm

A regular meeting of the Mayor and Council of the Borough of Bradley Beach was held in the Meeting Room, 701 Main Street, Bradley Beach, New Jersey on the above date.

CALL TO ORDER

Mayor Gary Engelstad opened the meeting with a salute to the flag.

Sunshine Law

The meeting has been noticed publicly according to the Open Public Meetings Act requirement for the "Annual Notice", and posted on the official bulletin board.

ROLL CALL 6:30 pm

Present: Council: Weber, Goldfarb, Bonnell, Cotler
Mayor Engelstad
Borough Attorney Marguerite Schaeffer
Municipal Clerk/Administrator Kelly Barrett
Erica Kostyz, Deputy Municipal Clerk

BID OPENING: Hot Dog Cart Concession
No Bids Received

ON MOTION by Engelstad/Goldfarb to approve the Budget Workshop Meeting Minutes of February 26, 2019

ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

APPROVED

ON MOTION by Engelstad/Goldfarb to approve the Regular Meeting Minutes of February 26, 2019

ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

APPROVED

PUBLIC COMMENT

Thomas Coan 612 Third Avenue, stated that offer of \$15K for the Newark Avenue Food Concession was too low and suggested re-bidding the concession.

Henry Machos, 209 Third Avenue, suggested the Borough advertise Bids on the online bidding sites.

Alan Gubitosi, 615 Fourth Avenue, suggested that the language in Trash and Recycling (Ordinance 2019-10) be consistent.

John Naples, 109 Ocean Avenue, commended Ms. Barrett for her professionalism while negotiating Newark Avenue Food Truck Concession.

ORDINANCE 2019-9

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER ONE HUNDRED TWENTY THREE, BEACHFRONT AREAS AND ADJACENT WATERS, RULES AND REGULATIONS, MUNICIPAL PUBLIC ACCESS

ON MOTION by Engelstad/Goldfarb to open the public hearing for Ordinance 2019-9

ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

Public Hearing: No one wished to speak

ON MOTION by Engelstad/Weber to close the public hearing and adopt Ordinance 2019-9

ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

ADOPTED

ORDINANCE 2019-7

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER ONE HUNDRED TWENTY THREE, BEACHFRONT AREAS AND ADJACENT WATERS, RULES AND REGULATIONS

ON MOTION by Engelstad/Cotler to introduce Ordinance 2019-7

ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

PENDING

ORDINANCE 2019-10

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER TWO HUNDRED EIGHTY SIX, LITTERING; SOLID WASTE

Mayor Engelstad stated Councilman Weber requested the language as posted in Ordinance 2019-10 (286-23) be amended to read as follows: Cardboard, corrugated boxes (unwaxed) may be placed in an authorized container with a lid or collapsed and tied in bundles 2' X 2" not to exceed 30 lbs.

A conversation ensued regarding the proper disposal of recyclable materials. Mayor Engelstad announced that as of June 1st the enforcement of proper disposal of trash and recycling would begin.

ON MOTION by Engelstad/Cotler to introduce (with changes) Ordinance 2019-10
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

PENDING

ORDINANCE 2019-11

AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF BRADLEY BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, CHAPTER ONE HUNDRED TWENTY THREE, BEACHFRONT AREAS AND ADJACENT WATERS, RULES AND REGULATIONS

Mayor Engelstad stated the language in Ordinance 2019-11 (123-8E) as posted would be amended to read as follows: No person shall discard refuse, including but not limited to cigarette butts, cigar butts, and other tobacco products, in the beachfront area. Bottles, cans, newspaper, clean paper and other recyclable materials shall be placed in marked recyclable containers provided by the municipality.

ON MOTION by Engelstad/Weber to introduce (with changes) Ordinance 2019-11
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

PENDING

Communications moved to the Consent Agenda

Authorizing the Congregation Agudath Achim to conduct Friday Night Musical Services at the Fifth Avenue Gazebo on June 21st, July 19th and August 23rd from 5:00 pm – 8:30 pm.

ON MOTION by Engelstad/Cotler to approve the Consent Agenda
ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
NAYS: None
ABSENT: None
ABSTAIN: None

- Resolution 2019-54 BILL LIST
- Resolution 2019-55 Authorizing a Joint Purchasing System for the Monmouth County Active Shooter Partnership Training Program at a fee of \$1,000.
- Resolution 2019-56 Authorizing the Mayor and Council to establish a daily fee of \$350.00 to reserve the Bocce Courts located at the beachfront promenade ((BB League exempt)
- Resolution 2019-57 Authorizing the appointment of Patricia White as Deputy Court Administrator
- Resolution 2019-58 Authorizing the appointment of Class I Special Police Officer(s) to the BBPD
- Resolution 2019-59 Authorizing various Special Events
- Resolution 2019-60 Authorizing an amendment to the approval of a one year extension to Great American Volleyball for the 2019 Volleyball Concession
- Resolution 2019-61 Authorizing the Mayor to execute a contract with Carlos Serrano, “Empanada Guy”, 580 Park Avenue, Freehold, New Jersey 07728 for the Newark Avenue Food Concession Area
- Resolution 2019-62 Authorizing an Executive Session to discuss litigation matter(s)

APPROVED

MAYOR AND COUNCIL REPORTS

Councilman Weber stated that the Environmental Commission had been working on an educational brochure for the resident on the proper disposal of trash and recycling but decided to send a letter in lieu of the brochure. He announced two upcoming Recreation Events, “Porch Tour” on 5/18 and “Go Fish on 6/29. He encouraged everyone to complete the strategic plan survey and stated if you wish to remain anonymous to complete the paper version of the survey and don’t include your name.

Councilman Bonnell encouraged everyone to attend the next Quality of Life meeting on March 19th. He announced that the DPW were close to finishing the bocce courts. He stated that he reviewed the budget worksheets and was able to cut \$120K in spending. He had copies of his sheets if anyone wished to see them. He stated that the Borough should merge the Planning and Zoning Boards to save money.

Councilman Cotler stated that the offer for the Newark Avenue concession was appropriate and commended Ms. Barrett for negotiating the agreement. He disagreed with merging the Planning and Zoning Boards as two boards allow dedicated residents to get involved and it provides for a number of voices when hearing the applications. He stated that the proposed budget is less than last year’s budget. He continued that there has been no tax increases for over 5 years. We continue to build surplus year after year and the surplus may be used for long range planning.

Mayor Engelstad stated that the school board will present their budget on March 19, 2019. He announced that Tourism will be holding a Bradley Beach Magic Shamrock event this weekend.

Ms. Schaffer provided the following update on the “Historic Fill” issue at 1011, 1015 and 1107 Main Street:

The Borough had rented the property for storage prior to the purchase. The borough purchased the property in July, 2016 for \$1,225,000. which was \$75K less than the appraised value. The Borough retained the services of Brinkerhoff Environmental to conduct a Phase I and Phase II study of the property. The reports stated that in accordance with the NJDEP's Geo Web the property was located within an area mapped as historic fill and field verification would be necessary to determine the actual presence of historic fill. If the borough wished to develop the property confirmation of presence or absence of fill would be required. The Mayor and Council were provided with a memo from Brinkerhoff stating its findings and it was discussed in an executive session. The governing body decided to move forward with the purchase. Ms. Schaffer concluded that she was unable to determine if a reduction in the purchase price was requested due the possibility of historic fill. It is Ms. Schaffer's opinion that the borough attorney (Mr. DuPont) at that time acted in accordance with the appropriate professional standards and no malpractice was committed.

PUBLIC COMMENT

Terry Wright, 406 Madison Avenue, expressed concerns regarding Councilman Bonnell's reduction to the budget and did not believe his reduction in the budget would truly impact the residents. He agreed with Councilman Cotler that municipal taxes have been kept stable over the past several years. Any increase in taxes was a result of the county and school, which are out of the borough's control. He stated that inaccurate comments were made on the next-door app regarding the overnight truck parking. He continued, the change in the parking ordinance does not go into effect until March 18th... He continued, the police department do a good job in enforcement.

Paula Gentempo, 103 Fourth Avenue, expressed concerns regarding the information requested in the strategic planning survey, some individuals will be uncomfortable sharing their information due to the lack of confidentiality. She questioned who will entering the data and compiling the information.

Councilman Weber responded that the staff will be entering the data.

Ms. Barrett stated that may change based on some concerns from residents.

Mayor Engelstad stated in response to residents' concerns, the borough will accept paper copies with the name and address left blank.

Al Gubitosi, 615 Fourth Avenue, stated that due to a lack of response to the concession bids the borough may consider advertising bids on an online bidding site.

Thomas Coan, 612 Third Avenue, expressed concerns regarding the enforcement of overnight truck parking. He also expressed concerns regarding the tax ratables. He stated that he disagreed with a quote the Mayor made in a local newspaper, "the Borough has no authority over the Municipal Court".

Ms. Barrett responded that municipalities have no authority of Municipal Court operations, they are governed by the State of New Jersey.

Eileen Shissas, 112 Fourth Avenue, expressed concerns that not all residents were receiving the strategic plan survey by mail.

Mayor Engelstad responded that the survey was also available on line.

Henry Machos, 209 Third Avenue, questioned “where did the question on the survey come from” and will the results would be published.

Mayor Engelstad responded that the questions were compiled from the Strategic Plan Meeting held on February 3rd and the results will be announced at a future meeting. He announced that if anyone has concerns regarding staff or services to please reach out to him directly.

Jim Byrnes, 401 Fifth Avenue, commended the Mayor and Council on the budget process. He questioned if Councilman Bonnell spoke to department heads before cutting the budget. He commented that he did not see any funding in the budget for a police officer in the school.

ON MOTION by Engelstad/Goldfarb to go into executive session to discuss a litigation(s) matter

ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
 NAYS: None
 ABSENT: None
 ABSTAIN: None

ON MOTION by Engelstad/Bonnell to open the public meeting

ROLL CALL AYES: Weber, Goldfarb, Bonnell, Cotler, Engelstad
 NAYS: None
 ABSENT: None
 ABSTAIN: None

Mayor Engelstad – No Action taken

Engelstad/Bonnell moved to adjourn

ADJOURN 8:40 PM

KELLY BARRETT RMC, CMR
Municipal Clerk/Administrator

